

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 23-CR-00236(MMH)

-against- : United States Courthouse

: Brooklyn, New York

: Monday, June 17, 2024

SAGAR STEVEN SINGH, : 2:00 p.m.

Defendant. :

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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE MARCIA M. HENRY
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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1 (In open court.)

2 THE COURTROOM DEPUTY: All rise.

3 (Judge MARCIA M. HENRY entered the courtroom.)

4 THE COURT: Good afternoon.

5 Please be seated.

6 And our newest magistrate judge, Judge Eshkenazi,
7 will be observing today's proceedings.

8 THE COURTROOM DEPUTY: Criminal cause for a pleading
9 in 23-CR-236, USA versus Sagar Steven Singh.

10 Counsel, please state your appearance for the record
11 starting with the Government.

12 MS. SISE: Good afternoon, Your Honor.

13 Ellen Sise for the Government, and I'm joined at
14 counsel's table by Casey Monyak, who is an intern with the
15 U.S. Attorney's Office.

16 THE COURT: All right. Good afternoon to each of
17 you.

18 MR. GUTMAN: Good afternoon, Your Honor.

19 Jeremy Gutman for Sagar Singh, who is seated next to
20 me.

21 THE COURT: Good afternoon to each of you as well.
22 Counsel, how does your client wish to proceed today?

23 MR. GUTMAN: He is prepared to offer a plea of
24 guilty to Counts One and Two of the Indictment.

25 THE COURT: Okay. Thank you.

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1 Mr. Singh, your attorney advises me that you wish to
2 enter a guilty plea today.

3 And, Mr. Gutman, is that pursuant to a written
4 agreement with the Government?

5 MR. GUTMAN: It is, Your Honor.

6 THE COURT: All right.

7 Now, this plea is a serious decision. I have to
8 make sure that you, Mr. Singh, understand your rights and the
9 consequences of your plea.

10 I am going to explain some things and I am going to
11 ask you some questions. I want your answers to be under oath.

12 My deputy will administer the oath.

13 THE COURTROOM DEPUTY: Mr. Singh, please stand and
14 raise your right hand.

15 Do you swear or affirm that the answers you are
16 about to give in connection to this plea will be the truth,
17 the whole truth, and nothing but the truth, so help you God?

18 If the answer is "I do," please say "Yes, I do."

19 THE DEFENDANT: Yes, I do.

20 (Defendant sworn.)

21 THE COURT: Okay. Thank you. Please be seated.

22 Now, Mr. Singh, you've now been sworn to tell the
23 truth. That means that you must tell the truth. If you were
24 to deliberately lie or omit material information in response
25 to any question that I ask you, you could face additional

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1 criminal charges for perjury or for making a false statement.

2 Do you understand that?

3 THE DEFENDANT: I do.

4 THE COURT: In any such prosecution, the Government
5 could use any statement that you make here today under oath
6 against you.

7 Do you understand that?

8 THE DEFENDANT: I do.

9 THE COURT: If I say anything that you don't
10 understand or if you need me to repeat anything, please ask.
11 It is extremely important that you understand everything that
12 goes on in this proceeding.

13 Is that clear?

14 THE DEFENDANT: It's clear.

15 THE COURT: Also, if you need at any point to speak
16 privately with Mr. Gutman, please let me know. We will pause
17 these proceedings and you will have as much time as you need.

18 Do you understand that?

19 THE DEFENDANT: I understand.

20 THE COURT: Now, the first issue I want to address
21 is your consent for me to hear your plea today.

22 I am a magistrate judge. However, Judge Frederic
23 Block is the assigned district judge in this case. He will
24 sentence you and will make the ultimate decision as to whether
25 to accept your guilty plea.

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1 You have the absolute right to have Judge Block
2 listen to your guilty plea. If you choose to do that, there
3 will be no consequences or no adverse consequences or
4 prejudice to you. Alternatively, if you choose, you can waive
5 or give up the right to have Judge Block listen to your plea.
6 Instead, I will listen to your plea.

7 As you see, we have a court reporter who is here and
8 she will make a transcript of this proceeding. Judge Block
9 will review that transcript and decide whether or not to
10 accept your plea. He will also review that transcript before
11 deciding what your sentence will be.

12 Now, I have in front of me a document entitled
13 Consent to Have a Plea Taken Before United States Magistrate
14 Judge Marcia M. Henry.

15 And I know we are a little far away, but are you
16 familiar with this document?

17 THE DEFENDANT: I am familiar with the document.

18 THE COURT: Is this your signature on the first
19 signature line here?

20 THE DEFENDANT: It is.

21 THE COURT: And, Mr. Gutman, is this your signature
22 underneath your client's?

23 MR. GUTMAN: It is.

24 THE COURT: Ms. Sise, is this your signature
25 underneath the name of the U.S. Attorney?

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1 MS. SISE: Yes, Your Honor.

2 THE COURT: And I'm sorry, who wrote the date on
3 this document?

4 MS. SISE: I can't recall, Your Honor, whether the
5 Government wrote it or the defense counsel wrote it.

6 THE COURT: Okay.

7 MR. GUTMAN: I think it was the Government.

8 THE COURT: It looks like it says June 11th, but I
9 am pretty sure it is supposed to say today's date.

10 MS. SISE: Yes, Your Honor.

11 THE COURT: So I am just going to hand this back
12 down so we can clearly articulate that it is dated today.

13 (Pause.)

14 THE COURT: Okay. Now the document is clearly dated
15 June 17th, 2024.

16 Mr. Singh, have you had enough time to discuss this
17 document with your lawyer?

18 THE DEFENDANT: Yes.

19 THE COURT: So, in sum and substance, this document
20 says that I, here, have informed you of your right to have
21 your plea taken from before a United States District Judge.

22 It also says that you've been further advised that
23 you can consent or agree to have your plea taken before a
24 magistrate judge, in this case me.

25 It further says that you understand that you won't

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1 suffer any prejudice if you refuse to agree to have a
2 magistrate judge take your plea.

3 It also says that you understand that if you don't
4 agree to have a magistrate judge take your plea, then the
5 assigned district judge would conduct your plea allocution.

6 It also says you've discussed this matter fully with
7 your lawyer. And after doing that, you do consent or agree to
8 have your plea taken before a magistrate judge, in this case
9 me.

10 Now, do you understand what I've just summarized for
11 you?

12 THE DEFENDANT: I do understand what you just
13 summarized.

14 THE COURT: And do you wish to give up your right to
15 have District Judge Fred Block listen to your plea?

16 THE DEFENDANT: I do.

17 THE COURT: Are you making this decision voluntarily
18 and of your own free will?

19 THE DEFENDANT: I am.

20 THE COURT: Has anyone threatened or promised you
21 anything to get you to agree to have me hear your plea?

22 THE DEFENDANT: No.

23 THE COURT: Now, I find then that Mr. Singh is
24 knowingly and voluntarily consenting to plead before the
25 magistrate judge, and I have signed the consent.

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1 Now I have to ask you questions about yourself and
2 your state of mind.

3 First, can you please state your full name?

4 THE DEFENDANT: My full name is Sagar Steven Singh.

5 THE COURT: How old are you?

6 THE DEFENDANT: I'm 20.

7 THE COURT: 20?

8 THE DEFENDANT: 20.

9 THE COURT: How far did you go in school?

10 THE DEFENDANT: I have my GED.

11 THE COURT: And have you had any problems
12 communicating with your attorney?

13 THE DEFENDANT: I have no problems communicating
14 with my attorney.

15 THE COURT: Are you now or have you recently been
16 under the care of a doctor or a psychiatrist for any reason?

17 THE DEFENDANT: No.

18 THE COURT: Are you taking any medications?

19 THE DEFENDANT: No.

20 THE COURT: Have you had any alcohol to drink within
21 the last twenty-four hours?

22 THE DEFENDANT: No.

23 THE COURT: Have you taken any drugs recently?

24 THE DEFENDANT: No.

25 THE COURT: Have you ever been hospitalized or

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1 treated for drug addiction?

2 THE DEFENDANT: No.

3 THE COURT: Have you ever been hospitalized or
4 treated for alcoholism?

5 THE DEFENDANT: No.

6 THE COURT: Have you ever been treated for a mental
7 or emotional issue?

8 THE DEFENDANT: No.

9 THE COURT: Is your mind clear now?

10 THE DEFENDANT: It is.

11 THE COURT: Do you understand why we're here and
12 what we're doing here today?

13 THE DEFENDANT: I do.

14 THE COURT: I note for the record that Mr. Singh
15 appears alert and able to understand the proceedings today.

16 Mr. Gutman, have you had any problems communicating
17 with your client?

18 MR. GUTMAN: No, Your Honor.

19 THE COURT: Is he capable of understanding the
20 nature of the charge to which he's pleading guilty?

21 MR. GUTMAN: He is.

22 THE COURT: Have you discussed the charge with your
23 client and what it means to plead guilty?

24 MR. GUTMAN: Yes, I have.

25 THE COURT: Have you advised him of the maximum

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1 sentence and fine that can be imposed as a result of his plea?

2 MR. GUTMAN: I have, Your Honor.

3 THE COURT: Have you discussed with him how the
4 sentencing guidelines operate?

5 MR. GUTMAN: Yes.

6 THE COURT: Have you discussed with him any
7 potential immigration consequences of his guilty plea?

8 MR. GUTMAN: He's a United States citizen, but we
9 have.

10 THE COURT: Okay. Are you satisfied that he
11 understood all of your discussions?

12 MR. GUTMAN: Yes.

13 THE COURT: Do you think that he understands the
14 rights that he will be waiving by pleading guilty?

15 MR. GUTMAN: Yes.

16 THE COURT: And do you have any doubt about his
17 competence to plead guilty here today?

18 MR. GUTMAN: None, Your Honor.

19 THE COURT: Mr. Singh, have you had enough time to
20 discuss your case with your attorney?

21 THE DEFENDANT: Yes.

22 THE COURT: And are you satisfied with the
23 assistance your attorney has given you in this case?

24 THE DEFENDANT: I am.

25 THE COURT: Now, I understand that you are seeking

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1 today to plead guilty to Count One of the Indictment charging
2 you with conspiracy to commit computer intrusion; and
3 Count Two charging you with aggravated identity theft.

4 Count One, I believe, also includes a forfeiture
5 allegation.

6 Now, to convict you of these offenses, the
7 Government would have to prove beyond a reasonable doubt the
8 following elements for each offense:

9 For Count One, conspiracy to commit computer
10 intrusion, the Government would have to prove beyond a
11 reasonable doubt that, first, two or more people entered into
12 the unlawful agreement charged in the Indictment in or about
13 and between April 2022 and May 2022.

14 Second, that you knowingly and willfully became a
15 member of that unlawful agreement.

16 Third, that one of the members of this unlawful
17 agreement or conspiracy knowingly committed at least one of
18 the overt acts charged in the Indictment.

19 And fourth, that that overt act was committed to
20 further some objective of the conspiracy.

21 Further, the elements of the substantive crime of
22 computer intrusion are, first, that without authorization a
23 defendant accessed a computer.

24 Second, that a defendant acted intentionally.

25 And third, that person obtained information from any

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1 department or agency of the United States.

2 Do you understand what the Government would have to
3 prove to convict you of the offense charged in Count One of
4 the Indictment?

5 THE DEFENDANT: I do.

6 THE COURT: Now, for Count Two, aggravated identity
7 theft, the Government would have to prove beyond a reasonable
8 doubt that, first, you knowingly transferred, possessed or
9 used without lawful authority a means of identification of
10 another person.

11 And second, that you knowingly transferred,
12 possessed or used that means of identification during and in
13 relation to the offense charged in Count One.

14 In other words, while conspiring to commit computer
15 intrusion.

16 Do you understand what the Government would have to
17 prove to convict you of the offense charged in Count Two of
18 the Indictment?

19 THE DEFENDANT: I do.

20 THE COURT: Counsel, have I misstated or omitted any
21 of the essential elements of the offense?

22 Mr. Gutman.

23 MR. GUTMAN: No, Your Honor.

24 THE COURT: Ms. Sise.

25 MS. SISE: No, Your Honor.

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1 THE COURT: Ms. Sise, under the Crime Victims Rights
2 Act, crime victims have the right to be reasonably heard at
3 any public proceeding in the district court, including plea
4 hearings.

5 Does this case implicate the CVRA?

6 MS. SISE: Your Honor, the victim in this case is a
7 government entity and they've been notified of this plea
8 hearing and they are not present today.

9 THE COURT: All right. Thank you.

10 Now, Mr. Singh, by pleading guilty you are giving up
11 very valuable rights. I have to make sure that you understand
12 the rights that you will be giving up if you plead guilty.

13 First, you have the right to plead not guilty and to
14 continue to plead not guilty.

15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: If you plead not guilty, under the
18 Constitution and laws of the United States, you have a right
19 to a speedy and public trial before a jury.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: You have the right to be represented by
23 an attorney at any trial and at every other stage of the
24 proceedings. If you could not afford an attorney, one would
25 be appointed for you by the Court at no charge.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: At trial, you would be presumed
4 innocent. The Government would have to prove you guilty
5 beyond a reasonable doubt based on the elements I just
6 described to you. You do not have to prove that you are
7 innocent. If the Government failed to prove you guilty beyond
8 a reasonable doubt, the jury would have to find you not
9 guilty.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: At trial, witnesses for the Government
13 would have to come to court and testify in your presence.
14 Your lawyer would have the right to cross-examine these
15 witnesses and to raise legal objections to the Government's
16 evidence.

17 Do you understand that?

18 THE DEFENDANT: I do understand that.

19 THE COURT: At trial, you also have the right to
20 offer testimony or other evidence in your defense. You also
21 have the right to compel witnesses to testify on your behalf.

22 Do you understand that?

23 THE DEFENDANT: I do.

24 THE COURT: At trial, you would have the right to
25 testify on your own behalf if you chose to. But if you chose

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1 not to testify, you could not be forced to or required to.

2 This is because under the Constitution and laws of the United
3 States, you cannot be compelled to be a witness against
4 yourself or to incriminate yourself.

5 Do you understand that?

6 THE DEFENDANT: I do.

7 THE COURT: Also, if you chose not to testify or to
8 present any evidence at all in your defense, the fact that you
9 chose not to do so could not be used against you.

10 Do you understand that?

11 THE DEFENDANT: I do.

12 THE COURT: If you plead guilty to the crimes
13 charged, and if your guilty plea is accepted based on my
14 recommendation, you will be giving up your right to a trial
15 and all the other trial rights I have just discussed. There
16 will be no trial in this case. You will stand convicted of
17 the crimes to which you are pleading guilty just as if a jury
18 found you guilty.

19 Do you understand that?

20 THE DEFENDANT: I do.

21 THE COURT: If you plead guilty, I will have to ask
22 you certain questions about what you did in order to satisfy
23 myself and Judge Block that you are, in fact, guilty of the
24 charges to which you are pleading guilty. You will have to
25 answer my questions truthfully and acknowledge your guilt. In

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1 other words, you will be giving up your right not to
2 incriminate yourself.

3 Do you understand that?

4 THE DEFENDANT: I do.

5 THE COURT: Are you willing to give up your right to
6 a trial and all of the other trial rights I have just
7 described?

8 THE DEFENDANT: Yes.

9 THE COURT: Now, as mentioned, there is a written
10 agreement in this case, which I have before me and I am
11 marking it as Court's Exhibit 1.

12 (Court's Exhibit 1 was so marked.)

13 THE COURT: Now, holding up this document,
14 Mr. Singh, have you had an opportunity to review this
15 document?

16 THE DEFENDANT: Yes.

17 THE COURT: And did you discuss this document with
18 your attorney?

19 THE DEFENDANT: I have.

20 THE COURT: I am going to turn to the last page
21 where there is an acknowledgement block and it says the
22 following:

23 "I have read the entire agreement and discussed it
24 with my attorney. I understand all of its terms and am
25 entering into it knowingly and voluntarily."

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1 Now, Mr. Singh, is this your signature underneath
2 this acknowledgement block?

3 THE DEFENDANT: It is.

4 THE COURT: And, Mr. Gutman, is that your signature
5 underneath your client's?

6 MR. GUTMAN: It is, Your Honor.

7 THE COURT: Ms. Sise, is this your signature below
8 the name of the U.S. Attorney?

9 MS. SISE: Yes, Your Honor.

10 THE COURT: And below your signature, is that the
11 signature of a supervisory Assistant U.S. Attorney?

12 MS. SISE: Yes, Your Honor.

13 THE COURT: And for the record, this document is
14 clearly dated June 17th, 2024.

15 Mr. Singh, by signing this agreement do you agree to
16 all of the terms of the agreement?

17 THE DEFENDANT: I do agree to all of the terms.

18 THE COURT: And does this agreement accurately
19 represent your entire understanding of your agreement with the
20 Government concerning your plea of guilty?

21 THE DEFENDANT: It does.

22 THE COURT: Mr. Gutman, have you discussed this
23 agreement with your client?

24 MR. GUTMAN: I have.

25 THE COURT: And do you believe he fully understands

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1 the terms of this agreement?

2 MR. GUTMAN: Yes.

3 THE COURT: Does this agreement contain all the
4 promises made between the Government and your client in
5 exchange for his plea of guilty?

6 MR. GUTMAN: Yes.

7 THE COURT: Ms. Sise, does this agreement contain
8 all the promises made between the Government and Mr. Singh in
9 exchange for his plea of guilty?

10 MS. SISE: Yes, Your Honor.

11 THE COURT: Now, Mr. Singh, I want to review the
12 consequences of pleading guilty.

13 The charge in Count One, conspiracy to commit
14 computer intrusion, carries the following potential penalties:

15 There is no minimum term of imprisonment, but there
16 is a five-year maximum term of imprisonment.

17 After any prison term, there is a maximum term of
18 three years of supervised release. What that means is if you
19 are sentenced to a term of imprisonment, then after you are
20 released from prison, you will be supervised by the Probation
21 Department. This means that you will have to abide by certain
22 restrictions and requirements for up to three years. If you
23 violate any of the conditions of supervised release during
24 this period, you could be sentenced to up to two more years in
25 prison without credit for the time that you had been on

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1 supervised release or in prison in this case.

2 Do you understand that?

3 THE DEFENDANT: I do understand that.

4 THE COURT: There is a maximum possible fine of the
5 greater of either \$250,000 or twice the gross gain to you or
6 twice the gross loss to someone else.

7 Do you understand that?

8 THE DEFENDANT: I do understand.

9 THE COURT: The Court also has the authority to
10 impose restitution where applicable.

11 Ms. Sise, is restitution an issue in this case?

12 MS. SISE: Your Honor, I don't believe that the
13 victim suffered any financial losses as a result of this
14 computer intrusion.

15 THE COURT: All right.

16 Is it fair to say that if the victim did suffer any
17 losses, that that would be in an amount to be determined by
18 the Court?

19 MS. SISE: Yes, Your Honor, and mandatory.

20 THE COURT: And mandatory, okay. Thank you.

21 Do you understand that, Mr. Singh?

22 THE DEFENDANT: Yes.

23 THE COURT: You will also be required to pay a
24 mandatory special assessment of \$100 as to Count One.

25 Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: Forfeiture is mandatory in this case as
3 set forth in paragraphs 6 through 11 of the plea agreement.

4 Primarily, you agree to give up all right, title and
5 interest in certain assets as set forth in your agreement with
6 the Government. You also agree that you waive or give up any
7 right to a jury trial or a hearing on the issue of forfeiture.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: And, Ms. Sise, there is a draft Order of
11 Forfeiture that will be filed in advance of sentencing?

12 MS. SISE: Yes, Your Honor. I believe the draft was
13 submitted to your chambers.

14 THE COURT: Yes. Thank you.

15 Now, Mr. Singh, as to Count Two, which charges you
16 with aggravated identity theft, it carries the following
17 potential penalties:

18 The minimum -- well, the maximum term of
19 imprisonment is two years. And that is a mandatory term of
20 two years. So, in effect, it's both minimum and maximum.

21 After any prison term, the supervised release as to
22 this count would be up to a maximum of one year. And further
23 to my description earlier, if you were sentenced to supervised
24 release as to Count Two, then you would be supervised by the
25 Probation Department after your prison term for a period of up

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1 to one year.

2 If you were to violate the conditions of release
3 during that time, then you could be sentenced up to one more
4 year in prison without credit for any prior time.

5 Do you understand that?

6 THE DEFENDANT: I do understand that.

7 THE COURT: Again, the maximum possible fine is the
8 same as Count One, in other words, \$250,000 or twice the gross
9 gain to you or twice the gross loss to someone else.

10 Do you understand that?

11 THE DEFENDANT: I do understand that.

12 THE COURT: Restitution I also believe would be
13 similar to Count One in this case.

14 Is that correct, Ms. Sise?

15 MS. SISE: Yes, Your Honor.

16 THE COURT: Meaning that it would be mandatory and
17 that it would be determined by the Court based on the victim's
18 losses.

19 Do you understand that?

20 THE DEFENDANT: I do.

21 THE COURT: As to this count, there is also a
22 separate special assessment that is mandatory of \$100.

23 So the total amount of special assessment that you
24 would be paying is \$200.

25 Do you understand that?

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1 THE DEFENDANT: I do.

2 THE COURT: Forfeiture is also mandatory as to this
3 count, similarly.

4 However, the important thing about Count Two is that
5 any sentence imposed in Count Two is consecutive to a sentence
6 imposed as to Count One.

7 Do you understand that?

8 THE DEFENDANT: I do.

9 THE COURT: Now, if you are not a United States
10 citizen, and I realize that your attorney has indicated you
11 are, but if for some reason it is determined that you are not,
12 another result of pleading guilty is that you may be removed
13 from the United States, denied citizenship, and denied
14 admission to the United States in the future.

15 Removal, however, and other immigration consequences
16 would be the subject of a separate proceeding.

17 Do you understand that?

18 THE DEFENDANT: I do.

19 THE COURT: Do you still wish to continue with your
20 guilty plea even though there may be immigration consequences
21 if you are determined not to be a United States citizen?

22 THE DEFENDANT: I do wish to continue.

23 THE COURT: Now, you are pleading guilty to a felony
24 offense, two of them. If the district judge accepts your
25 plea, you will be considered guilty of those felony offenses.

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1 A felony conviction means that you may not possess a
2 firearm, ammunition or destructive device. This means that if
3 you ever possess a firearm, ammunition or a destructive device
4 after your convictions in this case, you could be further
5 prosecuted in the future for being a felon-in-possession.

6 Do you understand that?

7 THE DEFENDANT: I do.

8 THE COURT: In addition, having a felony conviction
9 means that you may not have other civil rights, such as the
10 right to vote, to hold public office, or to serve on a jury.

11 Do you understand that?

12 THE DEFENDANT: I do.

13 THE COURT: Ms. Sise, have I misstated or omitted
14 any consequences of pleading guilty?

15 MS. SISE: No, Your Honor.

16 THE COURT: Mr. Singh, do you understand all of the
17 consequences of pleading guilty that I have just described?

18 THE DEFENDANT: I do.

19 THE COURT: As I mentioned, if you plead guilty,
20 Judge Block will sentence you. I want to briefly review how
21 he will determine your sentence.

22 Judge Block will undergo an analysis to determine
23 what a reasonable sentence is in your case. As a first step,
24 he must consider the Advisory Sentencing Guidelines that are
25 issued by the United States Sentencing Commission. Those

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1 guidelines are just what they say they are. In other words, a
2 guide to help the Court determine how to sentence you.

3 The guidelines are not mandatory, but the Court is
4 at least required to consider them.

5 Have you had a chance to discuss the Sentencing
6 Guidelines with your lawyer?

7 THE DEFENDANT: I have.

8 THE COURT: Now, as a second step, the Court will
9 also consider guidelines factors that may allow him to
10 sentence you above or below the applicable sentencing
11 guidelines range. That's known as departing upward or
12 departing downward from that range.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Finally, the Court must consider several
16 factors set forth in the sentencing statute against all the
17 facts and circumstances of the case to determine whether to
18 impose a sentence within or outside of the guidelines range.

19 Some of the factors include the nature and
20 circumstances of the crimes committed, your characteristics
21 and history, the kinds of sentences available, and deterring
22 you or others from committing crimes, among others.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: What this means generally is that until

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1 your sentencing hearing, you can't know with any certainty
2 what the guidelines range will be, whether there will be
3 grounds to depart upwardly or downwardly, or whether the Court
4 will impose a sentence outside the guidelines.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: To help the judge decide your sentence,
8 the Probation Department will prepare a report about the case.
9 Its formal name is a presentence investigation report. It is
10 typically known as a PSR. The PSR will include facts about
11 the case and about your background, as well as the law that
12 applies to your case.

13 Probation will want to interview you. You can have
14 your attorney present for that interview.

15 Probation will also talk with the prosecutors or the
16 law enforcement agents involved in the case, and possibly
17 others.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: The report also includes a recommended
21 guidelines calculation based on the circumstances of the
22 offense and the extent of your criminal history.

23 Your attorney will be able to review and discuss
24 this report with you and to challenge any information stated
25 in the report. The Government may also challenge information

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1 stated in the report.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: At the sentencing hearing, the Court
5 will hear arguments from your attorney and the attorneys for
6 the Government about any objections to the report, and then
7 will rule on them. And then the judge will listen to you, if
8 you choose to speak, your attorney, the attorney for the
9 Government, and maybe others about what your sentence should
10 be.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: The judge will calculate the applicable
14 sentencing guidelines and consider them and the statutory
15 factors, and he will impose a sentence based on all of that.

16 Do you understand this sentencing process that I've
17 just described?

18 THE DEFENDANT: I do understand what you just
19 described.

20 THE COURT: I am now going to ask counsel for both
21 sides what their estimates of the guidelines are in this
22 sentence.

23 I am going to start with you, Ms. Sise. And if you
24 could just focus on the total adjusted offense level, the
25 expected criminal history category, and then the corresponding

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1 guidelines range. You don't need to give all the
2 calculations.

3 MS. SISE: Yes, Your Honor.

4 The adjusted offense level -- the Government
5 calculates the adjusted offense level of 10 and a Criminal
6 History Category of I. And the guidelines sentence on both
7 Counts One and Two to be 30 to 36 months' imprisonment.

8 THE COURT: All right. And that is based on the
9 fact that the term of imprisonment as to Count Two is two
10 years or 24 months?

11 MS. SISE: Yes, Your Honor.

12 THE COURT: Okay.

13 Mr. Gutman, do you concur with that guidelines
14 calculation?

15 MR. GUTMAN: We agree it's no higher than that. We
16 reserve our right to possibly raise objections to certain
17 adjustments.

18 THE COURT: Certainly, understood.

19 Now, Mr. Singh, while I have asked the attorneys to
20 estimate the applicable guidelines range, and while there is
21 at least agreement that the numbers are correct, even though
22 there may be arguments to the way in which the numbers were
23 calculated, the estimate that you heard still isn't binding on
24 the Court. It's an estimate. Judge Block will do his own
25 sentencing guidelines calculation. That is the calculation

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1 that will be used at the sentencing.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Even if your actual guidelines range is
5 different from the estimate, you will not be allowed to
6 withdraw your plea of guilty.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Similarly, if you are sentenced to
10 something different from what the estimated sentencing
11 guidelines range will be, you will not be allowed to withdraw
12 your plea of guilty.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: You should also understand that there is
16 no such thing as parole in the federal system. If you are
17 sentenced to prison, you will not be released on parole.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, under certain circumstances you or
21 the Government may have the right to appeal any sentence
22 imposed on you. For example, if you thought the judge made a
23 mistake sentencing you, you would have the right to an appeal.
24 However, in your agreement with the Government you agreed that
25 you won't appeal, or otherwise challenge, your sentence if you

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1 are sentenced to 36 months or fewer in prison.

2 You may still assert claims of ineffective
3 assistance of counsel.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Counsel, is there anything else in the
7 written agreement that I need to review with Mr. Singh?

8 Mr. Gutman.

9 MR. GUTMAN: No, Your Honor.

10 THE COURT: Ms. Sise.

11 MS. SISE: No, Your Honor.

12 THE COURT: Mr. Singh, do you have any questions
13 about anything that I have described with you or for you
14 today?

15 THE DEFENDANT: No questions.

16 THE COURT: Do you need any time to discuss anything
17 with your attorney?

18 THE DEFENDANT: I do not.

19 THE COURT: Mr. Gutman, do you know of any reason
20 why Mr. Singh should not plead guilty?

21 MR. GUTMAN: No, Your Honor.

22 THE COURT: Are you aware of any viable legal
23 defense to the charge?

24 MR. GUTMAN: No.

25 THE COURT: Then, Mr. Singh, are you ready to plead

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1 at this time?

2 THE DEFENDANT: I am.

3 THE COURT: Then tell me first what is your plea to
4 Count One of the Indictment charging you with conspiracy to
5 commit computer intrusion, guilty or not guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: Are you pleading guilty to Count One
8 voluntarily and of your own free will?

9 THE DEFENDANT: I am.

10 THE COURT: Has anyone threatened or forced you to
11 plead guilty to Count One?

12 THE DEFENDANT: No.

13 THE COURT: Other than the promises in your written
14 agreement with the Government, has anyone promised you
15 anything to make you plead guilty to Count One?

16 THE DEFENDANT: No.

17 THE COURT: Has anyone made any promise to you as to
18 what your sentence will be as to Count One?

19 THE DEFENDANT: No.

20 THE COURT: Then let me continue with Count Two.

21 What is your plea to Count Two of the Indictment
22 charging you with aggravated identity theft, guilty or not
23 guilty?

24 THE DEFENDANT: Guilty.

25 THE COURT: Are you pleading guilty to Count Two

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1 voluntarily and of your own free will?

2 THE DEFENDANT: Yes.

3 THE COURT: Has anyone threatened or forced you to
4 plead guilty to Count Two?

5 THE DEFENDANT: No.

6 THE COURT: Other than the promises in your written
7 agreement with the Government, has anyone promised you
8 anything to make you plead guilty to Count Two?

9 THE DEFENDANT: No.

10 THE COURT: Has anyone made any promise to you as to
11 what your sentence will be to Count Two?

12 THE DEFENDANT: No.

13 THE COURT: Well, it is a mandatory count, so your
14 sentence actually will be -- there has to be a promise made
15 because, ultimately, it is a 24-month sentence as to
16 Count Two.

17 But has anyone made any promises to you as to it
18 being anything other than 24 months?

19 THE DEFENDANT: No.

20 THE COURT: Okay.

21 Now, please tell me in your own words what you did
22 to make you guilty of the crimes charged in Count One and
23 Count Two of the Indictment?

24 Now, I see that you have a piece of paper in front
25 of you.

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1 Is that a statement that you are going to read?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. Did you prepare that statement?

4 THE DEFENDANT: I did.

5 THE COURT: Did you have your attorney's assistance
6 in preparing that statement?

7 THE DEFENDANT: Yes.

8 THE COURT: All right.

9 Do you agree with everything that is contained in
10 the statement you are about to read?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Then please read loudly and
13 slowly so that the court reporter and I can hear you.

14 THE DEFENDANT: In April or May of 2022, I was sent
15 login credentials to access a portal. Shortly after, I came
16 to understand that the portal was associated with a federal
17 agency and I knew I wasn't authorized to enter it.

18 I ended up sharing the credentials with other people
19 and I understood that we were going to -- we were going -- we
20 understood that we were going to use them to enter the portal
21 and gain access to the information entailed.

22 On May 7th, 2022, I logged into the site using these
23 credentials which did not belong to me and I know that I did
24 not have permission to use them.

25 THE COURT: All right.

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1 Ms. Sise, is the Government proffering any facts?

2 MS. SISE: Yes, Your Honor. I'd like to just posit
3 some facts with regard to venue.

4 THE COURT: Yes.

5 MS. SISE: The defendant's same co-defendant,
6 defendant Ceraolo, who previously pled guilty, was located in
7 the Eastern District of New York during the course of the
8 conspiracy, and defendant Singh sent communication, including
9 communication in furtherance of the conspiracy, while
10 defendant Ceraolo was in the Eastern District of New York.

11 THE COURT: Is the Government offering facts to show
12 that Mr. Singh committed any acts related to the conspiracy in
13 the Eastern District of New York?

14 MS. SISE: Your Honor, under conspiracy law I don't
15 believe that the Government needs to show that the defendant
16 was actually in the Eastern District of New York, just that
17 there were overt acts of the conspiracy here.

18 THE COURT: And, Mr. Gutman, are you in agreement
19 with the Government's proffer?

20 MR. GUTMAN: Well, we don't contest the Government's
21 proffer.

22 THE COURT: Well, a better question is do you
23 contest the proffer? The answer is no.

24 And so, in terms of the credentials that were
25 accessed, what proof, if any, will the Government have as --

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1 whose credentials they were?

2 MS. SISE: Yes, they belonged to a law enforcement
3 officer, an individual who the defendant used that
4 individual's credentials to access a government website
5 portal.

6 THE COURT: Okay.

7 And, Mr. Singh, were you aware that you were
8 accessing a government website?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay.

11 And you were aware that you did not have permission
12 to have these login credentials?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay.

15 Anything else, Ms. Sise?

16 MS. SISE: Nothing further from the Government.

17 THE COURT: Mr. Gutman, anything else?

18 MR. GUTMAN: No, Your Honor.

19 THE COURT: Does this allocution satisfy all of the
20 essential elements of the charges to which Mr. Singh is
21 pleading guilty?

22 MS. SISE: Yes, Your Honor.

23 THE COURT: Okay.

24 Then based on the information given to me, I am
25 making the following findings:

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1 First, I find that the defendant is competent to
2 proceed.

3 Second, I find that the defendant is acting
4 voluntarily and that his plea is not the result of any force,
5 threats or undisclosed promises.

6 Third, I find that he fully understands his rights
7 and the potential consequences of his plea.

8 Finally, I find that there is a factual basis for
9 the plea, meaning that he did what is charged in the
10 Indictment.

11 Therefore, I respectfully recommend that the Court
12 accept the defendant's plea of guilty to Counts One and Two of
13 the Indictment.

14 Now, the next step, Mr. Singh, is that you will meet
15 with someone from the Probation Department to prepare the
16 presentence investigation report that we talked about earlier.

17 I urge you to cooperate with them, obviously, with
18 your lawyer's advice. If you sit down with the probation
19 officer, you are required to be truthful and forthcoming with
20 them.

21 Now, sentencing before Judge Block, as I understand,
22 will be scheduled at a later date once the PSR is actually
23 issued. And at that time counsel should review and comply
24 with Judge Block's individual rules for sentencing
25 submissions.

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1 Now, Mr. Singh is currently on bond. Is the
2 Government seeking detention at this time?

3 MS. SISE: No, Your Honor.

4 THE COURT: All right.

5 So, Mr. Singh, you are going to remain on pretrial
6 release until you are sentenced. What that means is you need
7 to continue to comply with all of the conditions of release
8 that you previously had been directed to comply with.

9 Now, for the record, I am also returning -- I will
10 be returning shortly Court's Exhibit 1, which is the written
11 agreement between the Government and Mr. Singh, to the
12 Government for its files and, importantly, to provide a copy
13 of the fully executed document to the defense.

14 Mr. Gutman, is there anything else on behalf of
15 Mr. Singh?

16 MR. GUTMAN: Nothing else, Your Honor. Thank you.

17 THE COURT: Ms. Sise?

18 MS. SISE: No. Thank you, Your Honor.

19 THE COURT: All right, then this proceeding is
20 adjourned.

21 Thank you, everyone.

22 (Matter adjourned.)
23
24
25

SAM OCR CRR RMR RPR